



Entered on Docket
January 08, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

In re:
USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER GRANTING DEBTOR'S
MOTION TO RETURN INVESTOR
FUNDS HELD IN ESCROW
(AFFECTS USA COMMERCIAL
MORTGAGE COMPANY)**

Date: December 19, 2006
Time: 9:30 a.m.

1 Before the Court is the motion filed November 20, 2006, by USA Commercial Mortgage
2 Company ("USACM") entitled Motion To Return Investor Funds Held In Escrow (the "Motion,"
3 Docket No. 1820). No objections to the Motion were filed. At the hearing on the Motion held
4 December 19, 2006, appearances of counsel were noted on the record and argument was made in
5 support of the Motion.

6 Having reviewed and considered the Motion, the argument made at the December 19, 2006
7 hearing, and other facts of record in these jointly administered cases, THE COURT HEREBY
8 FINDS that notice of the Motion was adequate and proper and that good cause exists for granting
9 the relief requested in the Motion, and THE COURT HEREBY ORDERS AS FOLLOWS:

10 1. The Motion is GRANTED.

11 2. USACM is authorized to return \$200,000.00 to Robert G. Berry Jr. and Jeannette
12 K. Berry, and \$50,000.00 to Vivien C. Bonzo and Sonia Rodriguez that is being held by Chicago
13 Title Company in an escrow account, and

14 3. The Third Amendment to Deed of Trust, Assignment of Rents, Security Agreement
15 and Fixture Filing recorded as Document No. 2006-0424274 in the Official Records of Riverside
16 County, California is hereby cancelled in its entirety and void.

17 Prepared and Submitted By:

18
19 Lenard E. Schwartz, Nevada Bar No. 0399
20 Jeanette E. McPherson, Nevada Bar No. 5423
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24 and

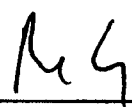
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Approved by:
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Approved by:
GORDON & SILVER, LTD.

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ROB CHARLES, ESQ.
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By: _____
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Approved by:
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REGION 17**

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United States Department of Justice

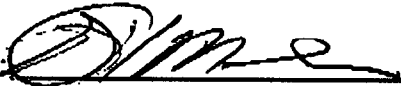
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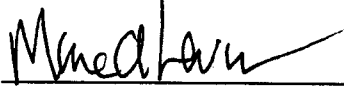
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